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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Civil Action No. C80-1858
)	
Plaintiff,)	Judge Aldrich
)	
v.)	
)	
CHEMICAL RECOVERY SYSTEMS, INC.,)	
)	MEMORANDUM IN SUPPORT OF
Defendant and)	THIRD-PARTY DEFENDANT'S
Third-Party Plaintiff,)	MOTION TO DISMISS THIRD-
)	PARTY COMPLAINT AGAINST
v.)	HARSHAW CHEMICAL COMPANY
)	OR IN THE ALTERNATIVE TO
HARSHAW CHEMICAL COMPANY,)	<u>SEVER THE THIRD-PARTY CLAIM</u>
)	
Third-Party Defendant.)	

Nature of the Case

The Complaint of the United States against third-party plaintiff, Chemical Recovery Systems, Inc. ("CRS") was filed October 7, 1980. It alleges that CRS has been engaged in the handling, storage and disposal of chemicals and hazardous wastes at its Elyria, Ohio plant site and that its activities there "have created a continuing imminent and substantial endangerment to human health and the environment" in violation of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6973, and that its unsound practices have resulted in pollution of the Black River in violation of the Clean Water Act (CWA), 33 U.S.C. §1311(a) (Paragraph 1 of Complaint). The Complaint then sets forth in great detail the operations of CRS which are alleged to have caused the violations of these laws, such as: the operation of obsolete and poorly maintained solvent recovery stills (§10); spilling contaminated solvents on the ground (§11); storing large quantities of chemical wastes in drums that leak